

**CALENDAR ITEM
C51**

A 4
S 1

10/01/02
WP 6863.9
B. Young

**TERMINATION OF RECREATIONAL PIER LEASE
AND ISSUANCE OF A NEW RECREATIONAL PIER LEASE**

LESSEE/APPLICANT:

Roger B. Primm, Trustee of the Revised and Restated Roger B. Primm Family Trust U/D/T January 30, 1990.

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Lake Tahoe, South Lake Tahoe, El Dorado County.

AUTHORIZED USE:

Relocation and reconstruction of an existing pier and two existing mooring buoys as shown on the attached Exhibit A.

LEASE TERM:

Ten years, beginning October 1, 2002.

CONSIDERATION:

No monetary consideration pursuant to Public Resources Code section 6503.5.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance with coverage of no less than \$300,000.

Other:

This lease is conditioned on Lessee obtaining authorization from the Tahoe Regional Planning Agency (TRPA) for the mooring buoys within two years after the adoption of the Lake Tahoe Shorezone Amendments-Draft Environmental Impact Statement (EIS) and approval of the ordinances based on the EIS.

OTHER PERTINENT INFORMATION:

1. On September 3, 1999, the Commission authorized a Recreational Pier Lease to Roger B. Primm, Trustee of the Revised and Restated Roger B. Primm Family Trust U/D/T January 30, 1990, for a pier and two mooring

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buoys. That lease will expire on April 19, 2009. On January 26, 2001, Applicant submitted an application for the relocation and reconstruction of the existing pier. Applicant qualifies for a Recreational Pier Lease because the Applicant is a natural person who has improved the littoral land with, and use the upland for, a single-family dwelling. Roger B. Primm, Trustee of the Revised and Restated Roger B. Primm Family Trust U/D/T January 30, 1990, is now applying for a new Recreational Pier Lease.

2. **Termination of an Existing Lease:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, section 15060(c)(3)], the staff has determined that this activity is not subject to the provisions of the CEQA because it is not a "project" as defined by the CEQA and the State CEQA Guidelines.

Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, sections 15060 (c)(3) and 15378.

3. **Issuance of New Lease – Pier:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 2, Replacement or Reconstruction; Title 2, California Code of Regulations, section 2905 b .

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

4. **Buoys:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; Title 2, California Code of Regulations, section 2905 (a)(2).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

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5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

FURTHER APPROVALS REQUIRED:

Buoys: Tahoe Regional Planning Agency.

EXHIBIT:

- A. Location and site map

PERMIT STREAMLINING ACT DEADLINE:

N/A

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

TERMINATION OF EXISTING LEASE: PURSUANT TO THE COMMISSION'S DELEGATION OF AUTHORITY AND THE STATE CEQA GUIDELINES [TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15060(C)(3)], THE STAFF HAS DETERMINED THAT THIS ACTIVITY IS NOT SUBJECT TO THE PROVISIONS OF THE CEQA BECAUSE IT IS NOT A "PROJECT" AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTIONS 15060 (c)(3) AND 15378.

ISSUANCE OF NEW LEASE – PIER: FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 2, REPLACEMENT OR RECONSTRUCTION; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 b.

BUOYS: FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 1, EXISTING

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FACILITIES; TITLE 2, CALIFORNIA CODE OF REGULATIONS,
SECTION 2905 (a)(2).

SIGNIFICANT LANDS INVENTORY FINDING:

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE
CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE
LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370,
ET SEQ.

AUTHORIZATION:

AUTHORIZE TERMINATION OF RECREATIONAL PIER LEASE NO.
PRC 5318.9, ISSUED TO ROGER B. PRIMM, TRUSTEE OF THE
REVISED AND RESTATED ROGER B. PRIMM FAMILY TRUST U/D/T
JANUARY 30, 1990, AND APPROVED BY THE COMMISSION ON
SEPTEMBER 3, 1999.

AUTHORIZE ISSUANCE TO ROGER B. PRIMM, TRUSTEE OF THE
REVISED AND RESTATED ROGER B. PRIMM FAMILY TRUST U/D/T
JANUARY 30, 1990, OF A TEN-YEAR RECREATIONAL PIER LEASE,
BEGINNING OCTOBER 1, 2002, FOR THE RELOCATION AND
RECONSTRUCTION OF AN EXISTING PIER AND TWO EXISTING
MOORING BUOYS ON THE LAND SHOWN ON EXHIBIT A ATTACHED
AND BY THIS REFERENCE MADE A PART HEREOF; NO MONETARY
CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE
SECTION 6503.5; LIABILITY INSURANCE WITH COVERAGE OF NO
LESS THAN \$300,000.